

Memorandum

To: Chair and Commissioners

Date: August 8, 2005

From: Diane C. Eidam,
Executive Director

**Reference Number 4.3
Action**

Ref: **Draft Amendments to STIP Guidelines**

Issue: What amendments should the Commission make to the STIP guidelines for the 2006 STIP?

Recommendation: Commission staff recommends that the Commission consider the draft amendments to the STIP guidelines attached to this memorandum, together with any comments received at the August 17-18 meeting, and direct staff to prepare a final draft for adoption at the September 28-29 meeting.

Background: In restructuring the STIP process, SB 45 (1997) called for the Commission to adopt STIP guidelines to serve as “the complete and full statement of the policy, standards, and criteria that the commission intends to use in selecting projects to be included in the state transportation improvement program.”

The statutes further authorize the Commission to amend the adopted guidelines after conducting at least one public hearing. The STIP guidelines were most recently amended in December 2003, at the beginning of the 2004 STIP development cycle. The statutes call for the Commission to make a reasonable effort to adopt guideline amendments prior to the adoption of the fund estimate. In no event may the Commission change its guidelines during the period between 30 days after the fund estimate adoption and the STIP adoption.

At the July meeting, the Commission held a public hearing on the guidelines in two separate items, one from Commission staff that addressed STIP procedures generally and one from Department staff concerning performance measures. The draft procedural guidelines have been updated to address the fund estimate issues identified at the July meeting.

Summary: Attached to this book item are:

- A draft of policies and procedures specific to the circumstances of the 2006 STIP fund estimate and STIP. They generally call for the reprogramming of all projects now programmed for 2006-07 and beyond, with reprogramming targets established much as they were for the 2004 STIP.
- A draft of amendments to the STIP guidelines, including both a summary of the proposed changes and the full text of the current guidelines, with proposed changes in underline and strikeout.

STIP Guidelines
Policies and Procedures Specific to the 2006 STIP

The following specific policies and procedures address the particular circumstances of the 2006 STIP and fund estimate.

- **Fund Estimate.** As directed by the Commission, the Department prepared the 2006 STIP fund estimate in two tiers, based on two funding scenarios, to help identify funding issues. The differences between the two tiers were tied to alternative scenarios for annual transfers from the Transportation Investment Fund, for the repayment of loans based on prior year suspensions of TIF transfers, for the repayment of loans to the General Fund from the State Highway Account and the Public Transportation Account (now scheduled to be repaid from the proceeds of tribal gaming bonds as authorized under AB 687), and for annual transfers of the “spillover” to the Public Transportation Account. The 2006 STIP will be based on Tier A, which assumes that all future TIF transfers will be made in accordance with existing law, that all loans will be repaid according to the schedule in existing law, and that all spillover transfers will be made in accordance with existing law. Tier B assumed that no TIF transfers, loan repayments, or spillover transfers would be made during the STIP period. The preparation and analysis of Tier B recognized the reality that the TIF transfers called for under existing law were suspended, at least in part, for each of the first two years after the approval of Proposition 42 (2002) and that the transfer for 2005-06 was identified as available from one-time-only funds; that no loan repayments have yet been made; that AB 687 is in litigation; that there is an initiative proposal on the ballot that would delay scheduled loan repayments; and that spillover transfers have not been made for 10 of the last 12 quarters and have been eliminated again for 2005-06.
- **Public Transportation Account funding.** The fund estimate indicates that the 2006 STIP will be funded entirely from those funds that differentiated the tiers and that most new capacity will be available from the Public Transportation Account, which is limited by statute to mass transportation purposes. This will necessitate a different approach to programming. The Commission will not be able to program without regard to project type and funding type, as it has in the past.
- **Annual targets for reprogramming.** The 2006 fund estimate will identify programming targets for each county and the interregional share, including (1) annual targets for reprogramming amounts remaining from the 2004 STIP and (2) targets for new programming.

The availability of PTA funding means that PTA-projects need not be rescheduled and may be proposed for advancement. Targets for the reprogramming of non-PTA projects will be determined by deducting current PTA programming from the overall reprogramming targets.

All county targets are provided for guidance only. Although the targets are calculated precisely in a way designed to be equitable, the targets should not be interpreted in an overly rigid way. A region may propose any amount in any year, and the Commission may program more or less than the target in any year for any region. The Commission does, however, urge attention to the targets. The more closely a region’s program conforms to the targets, the more likely it is that the Commission will be able to incorporate the region’s proposal into the STIP without change.
- **County Shares and Targets.** The 2006 STIP will program the last 2 years of one 4-year county share period (2006-07 and 2007-08) and the first 3 years of the next 4-year period

(2008-09 through 2010-11). In the 2006 fund estimate, the calculation of county shares for each tier will use the 2004 fund estimate for the share period ending 2007-08 as a base, notwithstanding the funding reductions that have occurred since the 2004 fund estimate. County shares for the period beginning 2008-09 will be recalculated, with any shortage in funds available through 2007-08 to be treated as a debit to the new share.

The calculation of the annual reprogramming targets will take county and interregional share status into account. To provide for equity in reprogramming that recognizes county shares by period, the targets will be calculated in three parts: (1) a respread of funding that fits within the shares for the period ending 2007-08, (2) a respread of the additional funding that fits within the current shares, which are the shares calculated in the 2004 fund estimate, and (3) a respread of funding that represents advances against future shares. The first part would be respread first, to 2006 STIP's earliest years. The second part would be respread next, then the third. Thus funding representing advances would be respread to later years of the STIP.

- Prior projects. Some current STIP programming is not subject to reprogramming and this programming will not be counted in reprogramming targets (i.e., a region does not have the option of delaying the fiscal year of these items, even if that causes an annual target to be exceeded):
 - Projects already voted an allocation or programmed for allocation in 2005-06.
 - Programmed AB 3090 cash reimbursements.
 - GARVEE bond debt service, where the Commission has approved the allocation of bond proceeds.
 - Caltrans environmental, design, and right-of-way work now programmed for 2005-06 or prior years, unless Caltrans indicates that work has not yet begun or has been suspended and it is proposed to delete the work from the STIP or to delay the beginning of work until 2007-08 or later. Where work is suspended, the amount of expenditure to date will remain as programmed.
- 2005-06 STIP Amendments and Allocations. Any changes to the STIP by amendment or by specific project allocations (e.g., cost increases at vote) will result in adjustments to county and interregional shares and will be taken into account in programming against 2006 STIP targets. Pending the adoption of the 2006 STIP, the Commission may defer consideration of proposed STIP amendments that could wait for incorporation into the 2006 STIP.
- New projects. Generally, new projects or project components added to the STIP that are not PTA-eligible will be programmed for 2010-11. Exceptions may be made if the new project is programmed within reprogramming targets in trade for projects currently programmed. Consistent with statute, the Commission will give preference in the programming of new projects or components to projects in counties with an unprogrammed share balance for the county share period ending 2007-08. Those counties are Butte, Colusa, Humboldt, Imperial, Lake, Madera, Merced, Modoc, Napa, Orange, Plumas, Riverside, Santa Barbara, Sierra, Stanislaus, Tahoe RPA, and Yolo.
- Transportation Enhancement (TE) projects and targets. The fund estimate will include annual TE project targets for TE programming from each county and the interregional share. Targets for new TE programming will be based on share formula proportions of the estimated statewide TE apportionments available for new programming. The targets will

also assume the reprogramming of all current TE projects and reserves in the years they are now programmed. An RTIP or ITIP may propose to program any amount in any fiscal year for TE, including the reprogramming of currently programmed projects. The Commission will change the proposed programming years for TE projects in the adopted STIP if, and only if, statewide TE proposals exceed statewide TE apportionments. If that occurs, the Commission may give priority to identified projects over TE reserves.

After the adoption of the 2006 STIP, the Commission may entertain STIP amendments to advance TE projects or reserves if (1) the statewide programming of TE projects remains less than the statewide TE apportionment, or (2) the amendment proposes compensating delays in non-TE projects.

- Limitations on planning, programming, and monitoring (PPM). The fund estimate includes calculations of the statutory 1% and 5% limitations for PPM for each county share period. For the period ending 2007-08, these limitations are not reduced from the dollar amounts identified for that period in the 2004 STIP fund estimate. For the period beginning 2008-09, the limitations are calculated on the basis of the Tier A fund estimate for the 2006 STIP.
- Advance Project Development Element (APDE). There is no APDE identified for the 2006 STIP.
- Programming of cash commitments. All currently programmed STIP cash commitments (AB 3090 cash reimbursements and GARVEE debt service), including cash commitments through 2010-11, are included in the base of existing commitments for the 2006 STIP fund estimate. These commitments will be carried forward to the 2006 STIP automatically and need not be included in RTIP and ITIP proposals and will not be further deducted from county or interregional shares. If, after the fund estimate, a new project is approved by STIP amendment for cash, it will be counted against program capacity in a way that takes into account that the STIP fund estimate was calculated to reflect capacity to add projects drawing cash over a period of years. To reflect an equivalent draw on cash, a cash project will be counted 30% toward capacity for the fiscal year of the programmed cash commitment, 50% toward the prior year, and 20% toward the second year prior. For example, for a new AB 3090 cash reimbursement of \$100 programmed for allocation in 2010-11, \$20 would be counted toward the programming target for 2008-09, \$50 toward the target for 2009-10, and \$30 toward 2010-11.
- 2006 STIP proposals not to rely on new GARVEE or AB 3090 cash commitments. Each RTIP and the ITIP should include a proposed program that is consistent with the fund estimate and targets and that does not assume the programming of either new AB 3090 cash commitments or new GARVEE bonding. The RTIP or ITIP may include proposals for AB 3090 cash reimbursements or GARVEE bonding, but those proposals should be presented separately and will be considered separately by the Commission, subsequent to the initial STIP adoption. The Commission will not consider STIP proposals for new programming using short-term capacity that would be made available through longer-term bonding.
- Commission expectations for programming. In the 2006 STIP, the Commission expects to give first priority to the reprogramming of projects from the 2004 STIP. To the extent that new capacity is available, the Commission expects to give priority to:

1. Cost increases to provide full funding for currently programmed project components due to escalation (reprogramming delay) and due to the rising cost of construction materials, consistent with programming capacity and the share targets identified in the fund estimate.
 2. New project components within unprogrammed county share balances identified in the fund estimate for the share period ending 2007-08. These projects may be programmed in any fiscal year, consistent with programming capacity and the share targets identified in the fund estimate.
- Escalation. Each RTIP and the ITIP should be based on project costs escalated to the year for which each project is proposed for programming, as specified in Section 51 of the STIP Guidelines. This applies to all projects being reprogrammed, as well as to any new projects.

Performance Measures. Amendments to the performance measures section of the guidelines will be presented by the Department under a separate agenda item again this month.

**SUMMARY
CHANGES TO STIP GUIDELINES
August, 2005**

- A. AB 3090 Policy. The draft proposal would add a new Section 67A, which would incorporate the Commission's AB 3090 policy, as adopted in April 2003, into the STIP Guidelines without change.
- B. Selection of Projects for GARVEE Bonding. The draft proposal would delete the existing Section 63A regarding the selection of projects for GARVEE bonding and add a new Section 67B. The new section would incorporate the provisions of the deleted section, except to specify that any selection of projects for GARVEE bonding will be made by STIP amendment. The new section would also incorporate other provisions of the Commission's December 2003 guidelines that were specific to the 2004 STIP. These include:
- The Commission's expectation that bonding will generally be for projects exceeding \$25 million.
 - The Commission's expectation that bonds may be sold whenever the Commission has identified a sufficiently large amount for bonding to warrant a sale, probably no more frequently than once each year, and that each bond will be structured for debt service payments over a term of no more than 12 years.
 - The Commission's policy that the non-federal portion of project costs will be funded from within current STIP and SHOPP capacity and that the ability of a local agency to contribute non-STIP funding will not be a major criterion in the selection of projects for bonding.
- C. Editorial changes. The draft proposal would make various editorial updates, clarifications, and corrections, without policy change, to Sections 6, 7, 14, 19, 21, 22, 35, 53, 54, 65, and 72. The change to Section 53 would update a statutory reference to Section 188.11 of the Streets and Highways Code, which was renumbered by SB 916 (2003).

**CALIFORNIA TRANSPORTATION COMMISSION
STAFF DRAFT AMENDMENTS TO
STIP GUIDELINES**

June 24, 2005

**Changes to Guidelines as Last Amended,
December 11, 2003**

**CALIFORNIA TRANSPORTATION COMMISSION
STIP GUIDELINES**

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I. Introduction:

1. Purpose and Authority. These guidelines describe the policy, standards, criteria and procedures for the development, adoption and management of the STIP. They were developed and adopted in cooperation with Caltrans, regional transportation planning agencies, county transportation commissions and local agencies in accordance with Government Code Section 14530.1. The guidelines were developed and adopted with the following basic objectives:
 - Develop and manage the STIP as a resource management document.
 - Facilitate transportation decision making by those who are closest to the transportation problems.
 - Recognize that although Caltrans is owner-operator of the State highway system, the regional agencies have the lead responsibility for resolving urban congestion problems, including those on state highways.
 - Provide incentives for regional accountability for the timely use of funds.
 - Facilitate the California Transportation Commission, and Caltrans role as guardian of State capital dollars, with responsibility for determining how best to manage those dollars in a wise and cost-effective manner.
 - Facilitate cooperative programming and funding ventures between regions and between Caltrans and regions.

The Commission intends to carry out these objectives through its guidelines, stressing accountability, flexibility, and simplicity.

2. Biennial Fund Estimate. By July 15 of each odd numbered year Caltrans shall submit to the Commission a proposed fund estimate for the following five-year STIP period. The Commission shall adopt the fund estimate by August 15 of that same year. The assumptions on which the fund estimate is based shall be determined by the Commission in consultation with Caltrans, regional agencies and county transportation commissions.
3. STIP Adoption. Not later than April 1 of each even numbered year the Commission shall adopt a five-year STIP and submit it to the legislature and to the Governor. The STIP shall be a statement of the Commission's intent for allocation and expenditure of funds for the following five years as well as a resources management document to assist in the planning and utilization of transportation resources in a cost-effective manner. The STIP shall be developed consistent with the fund estimate and the total amount programmed in each fiscal year of the STIP shall not exceed the amount specified in the fund estimate. The adopted STIP shall remain in effect until a new STIP is adopted for the next two year STIP cycle.
4. Amendments to STIP Guidelines. The Commission may amend the adopted STIP guidelines after first giving notice of the proposed amendment and conducting at least one public hearing. The guidelines may not be amended or modified during the period between thirty days following the adoption of the fund estimate and the adoption of the STIP.
5. Federal TIPs and Federal STIP. These guidelines apply only to the transportation programming requirements specified in state statutes. They do not apply to transportation programming requirements specified in federal statutes. Generally, all projects receiving federal transportation funds must be programmed in a federal TIP (for projects in urbanized regions) and also in a federal STIP. Metropolitan Planning Organizations are responsible for developing and adopting federal

TIPs and Caltrans is responsible for preparing the federal STIP. The requirements for federal TIPs and the federal STIP are specified in federal statutes (Title 23 USC) and federal regulations (23 CFR part 450).

II. STIP Contents:

6. General. The STIP is a biennial document adopted no later than April 1 of each even numbered year. Each STIP will cover a five year period and add two new years of programming capacity. Each new STIP will include projects carried forward from the previous STIP plus new projects and reserves from among those proposed by regional agencies in their regional transportation improvement programs (RTIPs) and by Caltrans in its interregional transportation improvement program (ITIP). State highway project costs in the STIP will include all Caltrans project support costs and all project listings will specify costs for each of the following four components: (1) completion of all permits and environmental studies; (2) preparation of plans, specifications, and estimates; (3) right-of-way acquisition; and (4) construction and construction management and engineering, including surveys and inspection. (See Sections 47 and 50 of these guidelines for guidance on the display of project components and their costs.)

~~The 1998 STIP was a transition STIP, covering the 6-year period from FY 1998-99 through FY 2003-04. The 2000 STIP covered the 4-year period from FY 2000-01 through FY 2003-04. Under the statutes as amended by AB 2928 (2000), the 2002 STIP covered the 5-year period from FY 2002-03 through FY 2006-07. The 2004 STIP and later biennial STIPs will cover 5-year periods, each adding two new years of programming.~~

7. County and Interregional Shares. The STIP consists of two broad programs, the regional program funded from 75% of new STIP funding and the interregional program funded from 25% of new STIP funding. The 75% regional program is further subdivided by formula into county shares. County shares are available solely for projects nominated by regions in their RTIPs. The Caltrans ITIP will nominate only projects for the interregional program. Under restricted circumstances, an RTIP may also recommend a project for funding from the interregional share (see Section 32 of these guidelines).

The 1998 STIP period ~~constitutes~~ **constituted** a single county share period ending FY 2003-04; later county share periods ~~will be 4-year periods, beginning with the period ending FY 2007-08~~ **are discrete 4-year periods, ending 2007-08, 2011-12, 2015-16, etc.** Both surpluses and deficits of county shares and interregional shares ~~will~~ carry forward from one period to the next. The Commission will program each new project, including Caltrans support costs, either from a county share or from the interregional share. (See Sections 53-59 of these guidelines for the method of counting cost changes after initial programming.)

8. Joint Funding from Regional and Interregional Shares. If Caltrans and a regional agency agree, they may recommend that a new project or a project cost increase be jointly funded from county and interregional shares. In that case, the region will nominate the county share in the RTIP and Caltrans will nominate the interregional share in the ITIP.
9. Prior Year Projects. The STIP shall include projects from the prior STIP that are expected to be advertised prior to July 1 of the year of adoption, but for which the Commission has not yet allocated funds.

10. 1996 STIP Projects. All 1996 STIP project costs will be funded off the top prior to the division of new funds between the regional and interregional programs. This grandfathered funding will include Caltrans support costs, and the project cost display for 1996 STIP projects will conform to the same standards used for new STIP projects. Any cost changes to 1996 STIP projects will be drawn from or credited to county and interregional shares the same as if they were cost changes to new STIP projects. Except where there is a proposal for jointly funding a cost increase from county and interregional shares, cost changes that Caltrans requests for projects originally programmed under the former intercity rail, interregional road system, or retrofit soundwall programs or for NAFTA projects programmed in the 1996 STIP will be drawn from or credited to the new interregional share. All other cost changes will be drawn from or credited to the appropriate regional share.
11. Transportation Management System Improvements. The Commission supports implementation and application of transportation management systems (TMS) improvements to address highway congestion and to manage transportation systems. Under current statutes Caltrans is owner operator of the state highway system and is responsible for overall management of the state highway system. The regional transportation agencies are responsible for planning and programming transportation strategies, facilities and improvements which address regional transportation issues and system wide congestion. The Commission encourages the regions and Caltrans to work cooperatively together to plan, program, implement, operate and manage transportation facilities as an integrated system with the objective of maximizing available transportation resources and overall transportation systems performance.

Considering this objective and the respective responsibilities of Caltrans and the regional agencies, it is the Commission's policy that TMS improvements for state highways may be programmed in the State Highway Operations and Protection Program (SHOPP) by Caltrans in consultation with regional agencies if such improvements are part of a region's adopted strategy for addressing system wide congestion. The regions are encouraged to program TMS improvements in their RTIP for STIP programming if timely programming through the SHOPP isn't possible because of funding limitations in the SHOPP. TMS improvements include the following types of projects:

- Transportation Management Centers (TMCs) including necessary computer software and hardware.
- TMC interconnect projects which allow a TMC to substitute for another TMC during an emergency.
- TMC field elements such as, but not limited to, traffic sensors, message signs, cameras and ramp meters which upgrade the existing facilities and are necessary to facilitate the operation of the TMC.

The application of TMS improvements should be coordinated with other operational improvements such as freeway ramp/local street access modifications and auxiliary lanes in order to maximize the TMS benefits. Prior to programming a new highway facility for construction, reconstruction or rehabilitation in the STIP or in the SHOPP, regions and Caltrans should fully consider transportation systems management plans and needs and include any necessary TMC field elements to support operation of existing or planned TMCs.

12. Capacity Increasing Highway Operational Improvements. State highway operational improvements which expand the design capacity of the system such as those listed below are not eligible for the SHOPP. To the extent such projects address regional issues, the regional agency is responsible for nominating them for STIP programming through the RTIP process. To the extent

such projects address interregional issues, Caltrans is responsible for nominating them for STIP programming through the ITIP process.

1. High Occupancy Vehicle (HOV) lanes and HOV interchanges.
2. Interchange design modifications and upgrades to accommodate traffic volumes that are significantly larger than the existing facility was designed for.
3. Truck or slow vehicle lanes on freeways of six or more mixed flow lanes.

13. Non-Capacity Increasing Highway Operational Improvements. State highway operational improvements which do not expand the design capacity of the system and which are intended to address spot congestion and are not directly related to TMCs or TMC field elements are eligible for the SHOPP. Regions may nominate these types of projects for STIP programming through the RTIP process if timely implementation through the SHOPP is not possible. Examples of such projects include:

1. Auxiliary lanes for merging or weaving between adjacent interchanges.
2. Intersection modifications including traffic signals.
3. Slow vehicle lanes on conventional highways and four lane freeways.
4. Curve and vertical alignment corrections.
5. Two-way left turn lanes.
6. Channelization.
7. Turnouts.
8. Chain control and truck brake inspection sites.
9. Shoulder widening.

III. STIP Requirements for All Projects:

14. Project Study Reports. A new project may not be included in either an RTIP or the ITIP without a complete project study report (PSR) or, for a project that is not on a State highway, a PSR equivalent. This requirement applies to the programming of project development components as well as to right-of-way and construction. This requirement does not apply to the programming of project planning, programming, and monitoring or to the STIP match of RSTP/CMAQ funds. A PSR is a report that meets the standards of the Commission's PSR guidelines. For a Traffic Congestion Relief (~~TCR~~) Program (**TCRP**) project, a ~~TCR-program~~ **TCRP project** application is a PSR for the phases of work included in the application. For a Transportation Enhancement (TE) project, a TE project application prepared in accordance with the Department's program guidelines is a PSR. For a transit project, the Commission's Uniform Transit Application is a PSR equivalent. A project study report equivalent will, at a minimum, be adequate to define and justify the project scope, cost and schedule to the satisfaction of the regional agency. Though a PSR or equivalent may focus on the project components proposed for programming, it must provide at least a preliminary estimate of costs for all components. The PSR, or PSR equivalent, need not be submitted with the RTIP or ITIP. However, the Commission or its staff may request copies of a project's report to document the project's cost or deliverability.
15. Programming Project Components Sequentially. Project components may be programmed sequentially. That is, a project may be programmed for environmental work only without being programmed for plans, specifications, and estimates (design). A project may be programmed for design without being programmed for right-of-way or construction. A project may be programmed for right-of-way without being programmed for construction. The Commission recognizes a particular benefit in programming projects for environmental work only, since projects costs and particularly project scheduling often cannot be determined with meaningful accuracy until environmental studies have been completed. The premature programming of post-environmental

components can needlessly tie up STIP programming resources while other transportation needs go unmet.

The Commission will program a project component only if it finds that the component itself is fully funded, either from STIP funds or from other committed funds. The Commission will regard non-STIP funds as committed when the agency with discretionary authority over the funds has made its commitment to the project by ordinance or resolution. For Federal formula funds, including RSTP, CMAQ, and Federal formula transit funds, the commitment may be by Federal TIP adoption. For Federal discretionary funds, the commitment may be by Federal approval of a full funding grant agreement or by grant approval.

When proposing to program only preconstruction components for a project, Caltrans or the regional agency should demonstrate the means by which it intends to fund the construction of a useable segment, consistent with the regional transportation plan or the Caltrans interregional transportation strategic plan.

All regional agencies with rail transit projects shall submit full funding plans describing each overall project and/or useable project segment. Each plan shall list Federal, State, and local funding categories by fiscal year over the time-frame that funding is sought, including funding for initial operating costs. Moreover, should the project schedule exceed the funding horizon, then the amount needed beyond what is currently requested shall be indicated. This information may be incorporated in the project fact sheets (see Section 45 of these guidelines).

16. Completion of Environmental Process. The Commission may program funding for project right-of-way or construction only if it finds that the sponsoring agency will complete the environmental process and can proceed with right-of-way acquisition or construction within the five-year period of the STIP. In compliance with Section 21150 of the Public Resources Code, the Commission may not allocate funds to local agencies for design, right-of-way, or construction prior to documentation of environmental clearance under the California Environmental Quality Act.
17. Caltrans/Regional Consultations. Caltrans and regional agencies shall consult with each other in the development of the ITIP and the RTIPs. As a part of this consultation, Caltrans will advise regional agencies, as far in advance as is practicable, of projects that may be or are likely to be included in the ITIP, including the potential for joint funding from county and interregional shares, and will seek the advice of the regional agencies regarding these projects. The consultation should allow regional agencies to consider and to advise Caltrans regarding the potential impact of the ITIP on the programming of projects in the RTIP. The Commission encourages Caltrans to assist the regional agencies that are responsible for preparing a Federal TIP by identifying projects that may be included in the ITIP, recognizing that Federal regulations generally require that a project in a county with an urbanized area be included in the Federal TIP in order to qualify for Federal funding.

As part of this consultation, each regional agency should seek and consider the advice of Caltrans regarding potential regional program funding for State highway and intercity rail projects and should advise Caltrans, as far in advance as is practicable, of staff recommendations or other indications of projects that may be or are likely to be included in the RTIP. The consultation should allow Caltrans to consider and advise the regional agency regarding the potential impact of the RTIP on the programming of projects in the ITIP. Where the regional agency prepares a Federal TIP, the consultation should provide for the timely inclusion of State highway projects in the Federal TIP.

Nothing in this section is meant to require that Caltrans or a regional agency make final commitments regarding the inclusion of particular projects in the ITIP or RTIP in advance of the December 15 deadline for submission.

18. Minor Projects. There is no minimum size for a STIP project. The minor reserve in the Caltrans State Highway Operation and Protection Program (SHOPP) is for SHOPP projects only. The Commission will not allocate funds from the SHOPP minor program for capacity-increasing projects, including bicycle and pedestrian facilities, soundwalls, and enhancements and mitigation for STIP projects.
19. Criteria for Measuring Performance and Cost-Effectiveness. In order to maximize the state's investments in transportation infrastructure, it is the Commission's policy that each RTIP and the ITIP will be evaluated, as they are developed, for performance and cost-effectiveness at the system or project level as appropriate. For large projects for which major investment studies are undertaken, a project level evaluation is preferable. The evaluation should be done by each region and by Caltrans before the RTIPs and the ITIP are submitted to the Commission for incorporation into the STIP. Beginning with the 2002 STIP cycle, each RTIP and the ITIP submitted to the Commission will be accompanied by a report on its performance and cost-effectiveness. Ideally, as performance measurement concepts and techniques mature, regional agencies and Caltrans will, as part of the transportation planning and programming process, monitor transportation systems and projects for performance and refine performance forecasts for use in evaluation of future RTIPs and ITIPs.

The Commission will consider the evaluations submitted by regions when making decisions on RTIPs as described in Section 60 of these guidelines. The Commission will consider evaluation submitted by Caltrans when making decisions on the ITIP as described in Section 62 of these guidelines.

The evaluation report should clearly demonstrate how effective the RTIP or the ITIP is in addressing or achieving the goals, objectives and standards which are established as part of the respective regional transportation plan (RTP) or Caltrans' Interregional Transportation Strategic Plan (ITSP). The purpose of the evaluation report is to assess the performance and cost effectiveness of each RTIP and the ITIP based on its own merits, not to attempt a comparative assessment between individual RTIPs or RTIPs and the ITIP. RTIP evaluations should also address how the RTIP relates to the ITSP at key points of interregional system connectivity. Caltrans' evaluation of the ITIP should address ITIP consistency with the RTPs. Each region is responsible for establishing the transportation goals, objectives and standards to be used in its evaluation of RTIP performance. However, the Commission urges each region to consider including improvements to mobility, accessibility, reliability, sustainability and safety as part of the fundamental goals of any long-range transportation plan.

Regions and Caltrans are responsible for determining the techniques and methodology to be used in evaluating the performance and cost-effectiveness of RTIPs and the ITIP. The Commission recognizes that many measures of performance and benefit are difficult to evaluate and may be more subjective rather than measurable in quantifiable units. In order to facilitate statewide consistency, regions and Caltrans, should also consider using (when appropriate) values of performance and benefits and evaluation methodologies which are commonly accepted and which represent accepted or standard practice. The Commission encourages regions to consider using

(when appropriate) values of time, safety, vehicle operation costs and discount rates which are developed by Caltrans for benefit cost analysis of transportation projects.

The Commission does expect that evaluations of performance and cost-effectiveness will be for a 20-year period or on a life cycle basis. Reports to the Commission on evaluations of performance and cost effectiveness should be presented in a format which is disaggregated to the level of the benefits and measures used.

In establishing the following criteria the Commission recognizes that it may be difficult to develop and utilize criteria that is relevant in both urban and non-urban regions and that different criteria may apply depending on the complexity of the region and its RTP and RTIP. To this end, each region should select and utilize criteria most applicable to its own jurisdiction.

Regions and Caltrans should consider the following criteria for measuring performance of RTIPs and the ITIP:

1. Change in vehicle occupant, freight and goods travel time or delay.
2. Change in accidents and fatalities.
3. Change in vehicle and system operating costs.
4. Change in access to jobs, markets and commerce.
5. Change in frequency and reliability of rail/transit service.
6. Change in air pollution emissions.
7. Change in passenger, freight and goods miles carried.

Regions and Caltrans should consider the following criteria for measuring cost-effectiveness of RTIPs and the ITIP:

1. Decrease in vehicle occupant travel, freight and goods time per thousand dollar invested.
2. Decrease in accidents and fatalities per thousand dollar invested.
3. Decrease in vehicle and system operating cost per thousand dollar invested.
4. Improved access to jobs, markets and commerce per thousand dollar invested.
5. Increased frequency reliability of rail/transit service per thousand dollar invested.
6. Decrease in air pollution emissions per thousand dollar invested.
7. Increase in annual passenger, freight and goods miles carried per thousand dollar invested.

IV. Regional Improvement Program:

20. Submittal of RTIPs. After consulting with Caltrans, each regional agency shall adopt and submit its RTIP to the Commission and to Caltrans no later than December 15 of each odd-numbered year. The RTIP will include and separately identify:
 - (a) Programming proposals from the county share(s), consistent with the STIP fund estimate and Section 23 of these guidelines. These proposals may include new projects, changes to prior STIP projects, and reserves for RSTP/CMAQ match and TE projects, as specified in sections 24 and 24A.
 - (b) Programming proposals from the county Advance Project Development Element (APDE) share, which is treated as an advance of future share (see Sections 37-42).
 - (c) Any request to advance a future county share for a larger project (permitted only in regions under 1 million population).
 - (d) Any project recommendations for the interregional share.

The Department may nominate or recommend State highway improvement projects for inclusion in the RTIP for programming from the county share. The Department should also identify any additional State highway improvement needs within the region that could be programmed within the 3 years beyond the end of the current STIP period. These programming recommendations and this identification of State highway improvement needs should be provided to the regional agency at least 90 days prior to the due date for submittal of the RTIP or, if a later due date for project nominations is set by the regional agency, prior to that date. The regional agency has sole authority for deciding whether to accept the Department's STIP recommendations for programming in the RTIP. The Department should provide a copy or list of its RTIP recommendations and identification of additional State highway needs for each region to the Commission.

Each RTIP should be based on the regional transportation plan and a regionwide assessment of transportation needs and deficiencies. Programming in the RTIP should not be based on a formula distribution of county share among agencies or geographic areas.

When the Department makes its RTIP recommendation and identification of State highway improvement needs, it should also share with the regional agency its plans for SHOPP projects that may be relevant to the region's consideration of RTIP projects. This is apart from the statutory requirement to make a draft of the SHOPP available for review and comment.

21. **Project Planning, and Programming, and Monitoring.** The RTIP may propose to program up to 5 percent of the county share for project planning, programming and monitoring by the transportation planning agency or, within the Southern California Association of Governments (SCAG) area, by a county transportation commission. If a regional agency receives Federal metropolitan planning funds, however, the RTIP may program no more than one percent of the county share for that agency. If the RTIP proposes programming funds for both SCAG and a county transportation commission, the total will not exceed 5 percent of the county share.

Funds programmed for this purpose should be spread across the years of the STIP. When allocated by the Commission, the funds will be available to cover costs of:

- Regional transportation planning, including the development and preparation of the regional transportation plan.
- Project planning, including the development of project study reports or major investment studies, conducted by regional agencies or by local agencies in cooperation with regional agencies.
- Program development, including the preparation of RTIPs and studies supporting them.
- Monitoring the implementation of STIP projects, including project delivery, timely use of funds, and compliance with State law and the Commission's guidelines.

Caltrans expenses for these purposes are included in the Department's annual budget and will not be funded through the STIP.

22. **Transportation Enhancement (TE) Projects in the RTIP.** Beginning with the 2003-04 Federal fiscal year, all Federal Transportation Enhancement (TE) apportionments will be programmed through the STIP or SHOPP. Only remaining TE apportionments from prior years will continue to be allocated and administered under the separate Transportation Enhancement Activities (TEA)

program that was used for TE apportionments under the prior Federal authorization act (TEA-21). ~~During the transition period prior to the adoption of the 2004 STIP, new TE programming may be amended into the 2002 STIP. Where a region has already programmed TE projects for 2003-04 or later under the procedures of the old program, these projects may be amended into the 2002 STIP prior to adoption of the 2004 STIP.~~ The Commission's intent is that the programming, allocation, and expenditure of available TE apportionments not be delayed by the change in State programming method.

A region may include in its RTIP any TE-eligible project and may program a reserve for TE-eligible projects, as specified in Section 24A. The Fund Estimate will include a TE target for each county for each fiscal year of the STIP. The programming of TE-eligible projects and reserves in the RTIP, however, is not limited by the TE target. Federal TE apportionments will be identified in the Fund Estimate as resources for the STIP and included in the calculation of county and interregional shares. All TE-eligible projects in the STIP will be counted as part of the county or interregional share.

The Commission will not program a TE project or allocate a project from a TE reserve without verification by the Department that the project is eligible for Federal TE funding. Each regional agency should forward the project TE application to the Department with the RTIP or otherwise as early as practicable, so there is sufficient time to approve the programming or to make the allocation without delay. This will be particularly important for allocations from the TE reserve near the end-of-year deadline for timely use of funds.

A region may include in its RTIP less than its target for TE-eligible projects and may even propose to program its full county share for non-TE projects. However, if TE-eligible programming statewide falls short of using the projected TE apportionment, the Commission may elect to leave a portion of county shares unprogrammed and available only for amendments of TE-eligible projects.

23. County Shares, Advances, and Reserves. The fund estimate will identify, for each county, (1) the county share for the share period that ends during the current STIP period, (2) the county's proportionate share for the portion of the new four-year period that falls within the current STIP period, and (3) the balance of the estimated share for the four-year period that extends beyond the current STIP period. For the 2004 STIP fund estimate, for example, this means (1) the available share for the period ending FY 2007-08, (2) the county's proportionate share for FY 2008-09, and (3) an estimated proportionate share for the period from FY 2009-10 through FY 2011-12.

Any region may, in its RTIP, propose projects or project components during the STIP period from all of these shares, including the share for the period that extends beyond the STIP period. Unless the Commission rejects an RTIP, as described in Section 60, the Commission will include in the STIP, at a minimum, all RTIP projects carried forward from the prior STIP and all new RTIP programming proposed within the level of the county share for the share period that ends during the current STIP (i.e., for the 2004 and 2006 STIPs, the share for the period ending FY 2007-08). Beyond that, as described in Section 61, the Commission may include in the STIP either more or less than each region's proportionate share for the new share period. Overall, the Commission may not program more than the available statewide capacity for the STIP period. The RTIP should identify those projects or project components that it proposes to program within the STIP period from the share for each four-year share period.

A region for a county with a population of less than 1 million may also, in its RTIP, ask the Commission to advance an amount beyond its county share for a larger project. The requested advance may not exceed 200 percent of the county share for the four-year share period that extends beyond the current STIP period, as identified in the Fund Estimate. The RTIP will separately identify the project or project components it proposes to program with the advance, following the same display format used for other RTIP projects.

Any region may, in its RTIP, ask to leave all or part of its county share unprogrammed, thus reserving that amount to build up a larger share for a higher cost project or otherwise to program projects in the county at a later time. The Commission may use funds freed up by these reserves to advance county shares in other counties. The Commission, with the consent of Caltrans, may also consider advancing county shares by reserving a portion of the interregional share until the next county share period.

24. RSTP/CMAQ Match Reserve. A region may, in its RTIP, propose a reserve from its county share for each year of the STIP to match Regional Surface Transportation Program, and Congestion Mitigation and Air Quality program (RSTP/CMAQ) funds, as authorized by Streets and Highways Code Section 188.5(e). The Commission may allocate (or may authorize Caltrans to allocate) funds from this reserve, at the request of the region, to eligible RSTP and CMAQ projects without further Commission action to amend the STIP to identify the individual projects. STIP funds programmed and allocated to match RSTP and CMAQ funds are available for any purpose permissible under the Federal STP and CMAQ programs. Because a region's RSTP/CMAQ reserve precludes the programming of the funds elsewhere, the Commission will apply the timely use of funds rule (see Section 65 of these guidelines) to the RSTP/CMAQ reserve as if it were a programmed project.
- 24A. Transportation Enhancement (TE) Reserve. A region may, in its RTIP, propose a reserve from its county share for each year of the STIP for projects eligible for funding from Federal Transportation Enhancement (TE) funds. The Commission may allocate (or may authorize Caltrans to allocate) funds from this reserve, at the request of the region, to TE-eligible projects without further Commission action to amend the STIP to identify the individual projects. STIP funds programmed and allocated from this reserve (including State match for Federal funds) are available for any purpose permissible for Federal TE apportionments. Because a region's TE reserve precludes the programming of the funds elsewhere, the Commission will apply the timely use of funds rule (see Section 65 of these guidelines) to the TE reserve as if it were a programmed project.
25. Regional Improvement Program Project Eligibility. Except for project planning, programming, and monitoring, all STIP projects will be capital projects (including project development costs) needed to improve transportation in the region. These projects generally may include, but are not limited to, improving State highways, local roads, public transit (including buses), intercity rail, pedestrian and bicycle facilities, grade separations, transportation system management, transportation demand management, soundwalls, intermodal facilities, and safety. Non-capital costs for transportation system management or transportation demand management may be included where the regional agency finds the project to be a cost-effective substitute for capital expenditures. Other non-capital projects (e.g. road and transit maintenance) are not eligible.

In addition to meeting general program standards, all STIP projects must meet eligibility requirements specific to the STIP's funding sources, the State Highway Account (SHA), which includes both State revenues and Federal revenues, the Public Transportation Account (PTA), and

the Transportation Investment Fund (TIF). Unless the fund estimate specifies otherwise, a region may propose, in its RTIP, projects to be funded from any of these funding sources, or a combination of them. The Commission will provide and calculate STIP county shares without regard to the individual STIP funding sources.

Except for project planning, programming and monitoring, regional program STIP nominations will be consistent with the following statutory sequence of priorities for programming from the State Highway Account:

- Safety improvements on transportation facilities other than State highways where physical changes, other than adding new capacity, would reduce fatalities and the number and severity of injuries. (Safety projects on State highways are programmed in the SHOPP.)
- Transportation capital improvements that expand capacity or reduce congestion, or do both. These improvements may include the reconstruction of local roads and transit facilities and non-capital expenditures for transportation systems management and transportation demand management projects that are a cost-effective substitute for capital expenditures.
- Environmental enhancement and mitigation, including Transportation Enhancement (TE) and soundwall projects.

Article XIX of the California Constitution permits the use of State revenues in the SHA only for State highways, local roads, and guideway fixed facilities. This means, for example, that rail rolling stock and buses may be funded only from the Federal revenues in the SHA, from the PTA, or from the TIF.

It is the continuing intent of the Commission that rehabilitation projects, excluding maintenance, on the local streets and roads system remain eligible for funding in the STIP.

Proposed projects on local highways functionally classified as local or as rural minor collector (non federal-aid eligible) are also eligible for STIP funding. However, programming of projects on non federal-aid eligible routes shall be limited to availability of state only funding as determined by the Commission.

26. Federalizing Transit Projects. In accordance with Federal statutes and regulations, federal highway funds programmed for transit projects must be transferred from the Federal Highway Administration to the Federal Transit Administration (FTA) for administration when the project or project component is ready to be implemented. In order to facilitate the transfer and timely use of funds, the Commission encourages the implementing agency or fund applicant to submit grant applications to FTA requesting a grant number and tentative approval of project eligibility prior to requesting Commission allocation of funds.

There are four types of transit grants available from FTA which are described in Title 53 USC Sections 5307, 5310, 5311 and 5336. For projects in urbanized areas of greater than 200,000 population, the local agency submits the grant application directly to FTA. For projects in urbanized areas of less than 200,000 population, the local agency submits the grant application through Caltrans to FTA. For projects in areas outside of urbanized areas, Caltrans acts as the grant applicant for the local agency and reimburses the local agency which is implementing the project. Grants for projects in urbanized areas must be submitted by agencies which have been certified by FTA. Grants for projects in urbanized areas are processed by FTA on a quarterly basis. Grants for projects not in urbanized areas are processed by FTA on an annual basis.

Transit related projects such as parking structures and multi-modal stations should also be transferred to FTA for administration. However, on an exception basis, FHWA will administer the funds and a grant application and fund transfer will not be necessary. Proposed exceptions should be discussed and agreed to with Caltrans and FHWA prior to programming the project in the STIP and documented in the PSR equivalent and project fact sheet.

27. Increased STIP Funding Participation. An RTIP may propose, from the county share, to increase a project's STIP funding to replace local funding already committed, provided that the local funding has not been and will not be expended or encumbered under contract prior to the Commission's allocation of STIP funds. The proposal will include the revised basis for cost sharing, as specified in Section 49 of these guidelines.

In those instances when any regional agency seeks additional STIP funding for a previously programmed project and the projected funding increase exceeds any increase in the estimated cost of that project, the board of such regional agency, by resolution of a majority of board members, shall declare in writing that the increase in the STIP funding is not for the purpose of "back-filling" other non-STIP funds previously committed to the capital project which have already been, or in the future will be, redirected to non-capital activities and purposes.

28. Pooling of County Shares. Two or more regional agencies may agree to consolidate their county shares for two consecutive county share periods into a single county share for both periods. A pooling agreement will become effective for a county share period if each regional agency adopts a resolution incorporating the agreement and submits it to the Commission with its RTIP. Similarly, SACOG may pool the shares of any counties in its region by adopting a resolution and submitting it with its RTIP.

As an alternative to pooling, two regional agencies may agree to accomplish the same purpose by agreeing to a loan of a specified dollar amount from one region's county share to the other during a STIP period, with the loaned amount to be returned in the following county share period. A regional agency, in its RTIP, may also propose to contribute all or a portion of its current county share for the programming of a project located in another county.

The Metropolitan Transportation Commission (MTC) may pool its county shares for a STIP period by adopting a resolution and submitting it with its RTIP, provided that the amount of any county share advanced or reserved is not more than 15 percent of the county share identified in the Fund Estimate.

29. Consistency with Land Use Plans and Congestion Management Programs. Projects included in the regional program shall be consistent with the adopted regional transportation plan, which state law requires to be consistent with federal planning and programming requirements. The federal requirements (23 U.S.C. 134) include factors to be considered in developing transportation plans and programs, including the likely effect of transportation policy decisions on land use and development and the consistency of transportation plans and programs with the provisions of all applicable short- and long-term land use and development plans.

Congestion Management Programs (CMPs) prepared by counties not electing to be exempted from CMP requirements pursuant to Section 65088.3 of the Government Code shall be incorporated into the appropriate RTIP prior to its adoption and submittal to the Commission. Projects included in

the adopted RTIP shall be consistent with the capital improvement program of the CMP. Projects not in the approved CMP shall not be included in the RTIP unless listed separately.

V. Interregional Improvement Program:

30. General. The interregional improvement program consists of STIP projects funded from the interregional program share, which is 25% of new STIP funding. Caltrans will nominate a program of projects for the interregional share in its interregional transportation improvement program (ITIP). The interregional program has two parts:

- (a) The first, funded from up to 10% of new STIP funding, is nominated solely by Caltrans in the ITIP. It is subject to the north/south 40%/60% split and otherwise may include projects anywhere in the State. The projects may include State highway, intercity passenger rail, mass transit guideway, or grade separation projects. Non-capital costs for transportation system management or transportation demand management may be included where Caltrans finds the project to be a cost-effective substitute for capital expenditures.
- (b) The second part, funded from at least 15% of new STIP funding, is not subject to the north/south split. It is limited to intercity rail projects (including interregional commuter rail and grade separation projects) and to improvements outside urbanized areas on interregional road system routes (which are specified in statute). At least 15% of the 15% (or at least 2.25% of new STIP funding) must be programmed for intercity rail projects, including interregional commuter rail and grade separation projects.

Under restricted circumstances, an RTIP may also recommend a project for funding from the second part, described in paragraph (b). See Section 32 of these guidelines.

31. Submittal of Caltrans ITIP. After consulting with regional agencies and other local transportation authorities, Caltrans shall submit its ITIP to the Commission no later than December 15 of each odd numbered year. At the same time, Caltrans will transmit a copy of the ITIP to each regional agency. The ITIP will include programming proposals from the interregional share for the five-year STIP period. These proposals may include new projects, program reserves, changes to prior STIP interregional program projects, and the interregional share of proposals for jointly funding new projects or cost increases from county and interregional shares.

The ITIP should include, for each proposed project, information (including assumptions and calculations) to support an objective analysis of interregional program priorities. That information, which should be based on the project study report, should include:

- an estimate of total project costs, including mitigation costs and support costs;
- an estimate of the time of completion of project construction;
- an estimate of annual project benefits (at project opening) due to vehicle time savings and vehicle operating costs;
- for road projects, an estimate of annual project benefits (at project opening) due to reductions in fatalities and injuries;
- for rail projects, an estimate of the project's impact on ridership and the need for operating subsidies; and
- a description of how the project would implement the interregional strategic plan, including a description of its impact on California's economic growth and the interregional distribution of goods.

32. Regional Recommendations for the Interregional Program. A regional agency may, in its RTIP, recommend improvements outside urbanized areas on interregional road system routes for funding from the interregional share. Interregional road system routes are defined in statute at Streets and Highways Code Sections 164.10 to 164.20, inclusive. By statute, the Commission may program a regional recommendation for the interregional program only if the Commission “makes a finding, based on an objective analysis, that the recommended project is more cost-effective than a project submitted by [Caltrans].” The Commission cautions regions, especially those with priority needs in both urbanized and nonurbanized areas, that nonurbanized area projects of highest regional priority should be proposed in the RTIP from the county share. The interregional program is not a nonurbanized area program, and the Commission does not intend to use the interregional program to meet most State highway needs in nonurbanized areas. The Commission anticipates programming regional recommendations for funding from the interregional program only when a recommended project constitutes a cost-effective means of implementing the interregional transportation strategic plan (see Section 34 of these guidelines).

Any regional recommendation for the interregional program shall be made in the RTIP and shall be separate and distinct from the RTIP proposal for programming from the county share(s). Each project nominated in this way must constitute a useable segment of highway. The nomination must be to fund the project fully through the interregional program. The nomination may not be part of a proposal for joint funding between the regional and interregional programs. Joint funding proposals may be made only in concert with Caltrans, with the region proposing the county share in its RTIP and Caltrans proposing the interregional share in the ITIP.

An RTIP proposal for interregional funding should be accompanied by information (including assumptions and calculations) to support the objective analysis that the Commission must make before it can program the project. That information, which should be based on the project study report, should include:

- an estimate of total project costs, including mitigation costs and support costs;
- an estimate of the time of completion of project construction;
- an estimate of annual project benefits (at project opening) due to vehicle time savings and vehicle operating costs;
- an estimate of annual project benefits (at project opening) due to reductions in fatalities and injuries; and
- a description of how the project would implement the interregional strategic plan, including a description of its impact on California’s economic growth and the interregional distribution of goods.

33. Regional Transportation Plan. Projects included in the interregional program shall be consistent with the relevant adopted regional transportation plan(s).

34. Interregional Program Objectives. The Commission envisions an interregional improvement program that works toward achievement of the following six objectives:

- Completing a trunk system of higher standard State highways (usually expressways and freeways).
- Connecting all urbanized areas, major metropolitan centers, and gateways to the freeway and expressway system to ensure a complete statewide system for the highest volume and most critical trip movements.

- Ensuring a dependable level of service for movement into and through major gateways of statewide significance and ensuring connectivity to key intermodal transfer facilities, seaports, air cargo terminals, and freight distribution facilities.
- Connecting urbanizing centers and high growth areas to the trunk system to ensure future connectivity, mobility, and access for the State's expanding population.
- Linking rural and smaller urban centers to the trunk system.
- Implementing an intercity passenger rail program (including interregional commuter rail) that complies with Federal and State laws, improves service reliability, decreases running times, and reduces the per-passenger operating subsidy.

The Caltrans ITIP should be based on a Strategic Plan for implementing the interregional program. The Strategic Plan should address development of both the interregional road system and intercity rail in California, and it should define a strategy that extends beyond the STIP. The ITIP should describe how proposed projects relate to the Strategic Plan and how the Strategic Plan would implement the Commission's objectives. The Commission will evaluate the ITIP and any regional recommendations for the interregional program in the light of these objectives and the Strategic Plan.

The interregional improvement program will include both State highway and rail projects (potentially including mass transit guideway and grade separation projects).

For State highways, the interregional program should emphasize the development of a basic trunk system (a subset of the larger interregional road system described in statute, with extensions in urbanized areas) that provides:

- access to and through or around California's urbanized areas (over 50,000 population) and the following areas that serve as major economic centers for multicounty areas: Eureka, Susanville, and Bishop; and
- access to California's major interstate and international gateways, including interstate and international border crossings, international airports, and seaports.

The Strategic Plan should identify this basic trunk system, with a primary focus on access between these areas and gateways, not on distribution within regions or on access to all counties. The focus should be on interregional commerce rather than on interregional commuting. While the interregional program may include projects on other interregional routes, the Commission expects the development of the basic trunk system to be the focus of near term investment.

The Commission expects the identification and selection of State highway projects for the interregional program to be based on consideration of cost in relationship to the following benefits, with higher priority given to projects with greater net benefit for the investment made:

- traffic safety, including the potential for reducing fatalities and injuries;
- reduced travel time and vehicle operating costs for interregional travel;
- economic benefits to California of expanding interregional commerce through faster and more reliable access between markets; and
- economic benefits to California of expanding interstate and international trade and commerce through faster and more reliable access to California's international airports and seaports.

Commerce includes the movement of people and goods for any economic purpose. It may include extractive industries (such as mining, agriculture, or timber) or recreation.

A large part of California's interregional road system is adequately developed for the near future, and the SHOPP provides for the protection and preservation of the existing system. The Commission therefore expects that the interregional program will be focused on underdeveloped gaps and corridors in the basic trunk system. There is no expectation that STIP interregional improvements will be evenly spread across the State, and the spreading of funding among regions is not a Commission objective for the interregional program. The Commission does encourage Caltrans and smaller regions (generally with populations less than 250,000) to consider and seek formation of partnerships to jointly fund projects on the interregional road system for the mutual benefit of the region and the state.

For rail, the interregional program should emphasize:

- the preservation and improvement of the existing system of State-sponsored intercity passenger rail routes, including compliance with safety and accessibility standards and protection of the State's investment in equipment;
- the reduction of the system's dependence on State operating subsidies;
- the improvement of other passenger rail access between major urban centers, airports and intercity rail routes; and
- the use of rail grade separations to improve service reliability for both intercity passenger rail and interregional goods movement.

The Commission expects the identification and selection of rail capital projects for the interregional program (including interregional commuter rail and grade separations) to be based on consideration of cost in relationship to the following benefits, with higher priority given to projects with greater net benefit for the investment made:

- reduced intercity rail running times and operating costs (which may increase demand and reduce the need for operating subsidies);
- improved intercity rail schedule frequency and reliability (which may increase demand and reduce the need for operating subsidies); and
- economic benefits to California of promoting trade and commerce by creating faster and more reliable highway or rail access to markets, including access to California's international airports and seaports;

For either highways or rail, Caltrans and the Commission may evaluate a project as part of a series of related projects in the same location or corridor. The evaluation may consider the costs and benefits of the projects as a group. All projects in the group should be part of the Strategic Plan for near term funding, whether or not proposed for the STIP.

Where a potential interregional program project may provide substantial local benefits, it is appropriate that costs be divided between the regional and interregional programs. In this case, the evaluation of the project for the interregional program should be based on the interregional program cost share in relationship to the benefits described in this section.

35. Transportation Enhancement (TE) Projects in the ITIP. Beginning with the 2003-04 Federal fiscal year, all Federal Transportation Enhancement (TE) apportionments will be programmed through the STIP or SHOPP. Only remaining TE apportionments from prior years will continue to be

allocated and administered under the separate Transportation Enhancement Activities (TEA) program that was used for TE apportionments under the prior Federal authorization act (TEA-21). ~~During the transition period prior to the adoption of the 2004 STIP, new TE programming may be amended into the 2002 STIP.~~ The Commission's intent is that the programming, allocation, and expenditure of available TE apportionments not be delayed by the change in State programming method.

The Department may include in the ITIP a project from any TE-eligible category that relates to the interregional surface transportation of people or goods or that is a capital outlay project of statewide benefit and interest. In the case of pedestrian and bicycle facilities, the project should provide an alternative to travel on a State highway that is part of the interregional road system or provide access to a state or national park or to an interregional surface transportation facility. The Department may not propose TE-eligible grants to local agencies. However, the Department may propose TE-eligible grants for projects to be implemented by Federal agencies or other State agencies or for scenic land acquisitions by land conservancies through State or Federal agencies.

The Fund Estimate will include a TE target for each county and the interregional share. The programming of TE-eligible projects, however, is not limited by the TE target. Federal TE apportionments will be identified in the Fund Estimate as resources for the STIP and included in the calculation of county and interregional shares. All TE-eligible projects in the STIP will be counted as part of the county or interregional share.

- 35A. Transportation Enhancement (TE) Funding for SHOPP Projects. It is the Commission's intent that available Federal TE apportionment be applied to any TE-eligible project in the SHOPP in order to assure the full and effective use of the state's Federal apportionments. The Department may include in the SHOPP any TE-eligible project that is an enhancement directly related to another SHOPP project or STIP project on the State highway system. Federal rules provide that projects are TE-eligible only if they are over and above any normally required project mitigation. The Department may not use the SHOPP for local grants or for stand-alone TE capital outlay projects, which should be programmed through the STIP. The Department may, however, entertain requests from local agencies for enhancements to the Department's SHOPP or STIP projects.
36. Projects and Reserves. The ITIP should include a complete proposal for the programming of the STIP interregional share which complies with the various statutory restrictions, including: the two parts described in Section 30 of these guidelines (the 10% and 15% parts), the north/south split of the first part, and the 2.25% intercity rail minimum of the second part. Any portion of the interregional share that is not proposed for a specific project may be proposed as a reserve for future programming. This may include reserves of any kind, including a TE reserve or a proposal to reserve a portion of the interregional share for the next share period in order to free up funding for county share advances.

VI. Advance Project Development Element:

37. Fund Estimate for Advance Project Development Element. Each fund estimate will identify an amount available pursuant to subdivision (c) of Section 14529.01 of the Government Code for the STIP Advance Project Development Element (APDE), with county and interregional shares identified separately. These APDE amounts are independent of the amounts identified as regular programming capacity.

38. Programming of APDE County and Interregional Shares. Regions and Caltrans may propose projects from their respective county and interregional APDE shares in the RTIPs and ITIP, and they may propose joint regional and interregional APDE funding for a project. The proposal and adoption of projects will be the same as for other STIP projects, except that projects to be programmed through the APDE are limited to the two STIP project development components: (1) environmental and permits and (2) plans, specifications, and estimates. Projects may not be programmed through the APDE if they are simultaneously programmed for acquisition of right-of-way (including support) or construction from regular STIP programming capacity. Project development work already programmed in the STIP may not be shifted to the APDE.
39. Program Year. APDE projects will be proposed for programming and adopted into the STIP and allocated in the same manner as other STIP projects. They may be proposed for any of the STIP's five fiscal years. APDE local projects, when programmed, are subject to the STIP's timely use of funds provisions.
40. Program Amendments. APDE projects may be amended into the STIP at any time in the same manner as other STIP amendments. The amendments will identify the county or interregional APDE share from which the projects are to be funded.
41. Effect on Regular County and Interregional Shares. APDE programming will be treated as an advance of regular future county or interregional share, although every county, including a county in a region over 1 million population, is eligible for APDE programming. If all or a portion of any county or interregional APDE share is not programmed, that amount will become available to program for any STIP purpose in the next STIP. Amounts that are programmed in the current STIP from a APDE share will be deducted from the regular county or interregional share for the next STIP. The Fund Estimate for the next STIP will include a new APDE fund estimate with new county and interregional APDE shares.
42. APDE Shares May Not Be Exceeded. The programming of a county or interregional APDE share may not exceed the amount identified in the Fund Estimate. A county or interregional APDE share may not be loaned or advanced. However, regional agencies that have agreed to pool their regular county shares (Section 28 of these guidelines) may also pool their APDE shares. Any region may choose to program project development work from its regular STIP county share.

VII. Display of project descriptions and costs:

43. Project Description. The STIP will include the following information for each project, which should be included in the RTIP or ITIP proposing the project:
- (a) The name of the agency responsible for project implementation.
 - (b) The project title, which should include a brief nontechnical description of the project location and limits (community name, street name, etc.), and a phrase describing the type and scope of the project. By definition, the Commission will regard the limits for a rehabilitation project on local streets and roads as including adjacent or nearby streets and roads, thus providing greater flexibility in project scope.
 - (c) A unique project identification number provided by Caltrans.
 - (d) For projects on the State highway system, the route number and post-mile (or post-kilometer) limits.

- (e) Any appropriate funding restriction or designation, including projects requiring state-only funding or projects requiring Federal funds through the State Highway Account. Agencies proposing projects requiring state-only funding (including street and road projects off Federal aid systems) should recognize that the availability of state-only funding may be limited.
- (f) The source and amounts of local or other non-STIP funds, if any, committed to the project.

- 44. State-only Funding. The Commission will assume that all projects will be qualified for Federal transportation funding unless the RTIP or ITIP designates otherwise. Whenever a region designates a project to be programmed for State-only (non-Federal) funding, the RTIP will explain the reason for this designation. The Commission will not program a State highway project for State-only funding without consulting with Caltrans. Projects programmed without state-only designation and later proposed for state-only funding allocations will be subject to Caltrans recommendation for exception to federal funding prior to Commission approval as described in Section 64 of these guidelines.
- 45. Project Fact Sheets. For each project proposed for new STIP funding, the RTIP or ITIP will include a project fact sheet that includes the information displayed in the Appendix to these guidelines. All regional agencies proposing funding for rail transit projects will include full funding plans with the RTIP, as described in Section 15 of these guidelines.
- 46. STIP Database. Caltrans is responsible for developing, upgrading and maintaining an electronic database record of the adopted STIP and Commission actions which amend the STIP. Caltrans will publish the STIP record within 75 days of the STIP adoption and make copies available to the Commission and to the regional agencies. To facilitate development, analysis and management of the STIP, Caltrans will provide the Commission and the regional agencies appropriate access to the STIP database as soon as possible. After a regional agency's access to the database is established, a regional agency will develop its RTIP submittals to the Commission utilizing the STIP database.
- 47. Cost Estimates for Project Components. For each project proposed for programming, the RTIP or ITIP shall list costs separately for each of the 4 project components: (1) environmental studies and permits; (2) preparation of plans, specifications, and estimates, (3) right-of-way, and (4) construction. For the right-of-way and construction components on Caltrans projects, the RTIP or ITIP shall list separate costs for Caltrans support and for capital outlay. For Caltrans projects, that brings the total to 6 project cost components.

For each project component, the amount programmed shall be escalated to the year proposed for programming, based on the current cost estimate updated as of November 1 of the year the RTIP or ITIP is submitted. The standard escalation rate for the STIP shall be that specified in the fund estimate for the STIP. Caltrans or a region may elect to use alternative escalation factors for right-of-way or other costs as it deems appropriate. STIP costs and non-STIP costs will be displayed separately. Where a project or project component will be funded from multiple county shares or jointly from the interregional share and a county share, the amounts programmed from the different shares will be displayed separately. Amounts programmed for any component shall be rounded to the nearest \$1,000. For jointly funded projects, the county share or ITIP share contribution programmed for a component shall each be rounded to the nearest \$1,000.

- 48. Authority and Responsibility. For projects on the State highway system, only cost estimates approved by the Caltrans Director or by a person authorized by the Director to approve cost

estimates for programming will be used. For other projects, only cost estimates approved by the Chief Executive Officer or other authorized officer of the responsible local implementing agency will be used.

49. Basis for Cost Sharing. Where a project or project component is to be funded from both STIP and non-STIP sources, the STIP listing will indicate whether the programming commitment is for a particular dollar amount, a particular percentage of total project cost, or a particular element or item of work. Where a project or project component is to be jointly funded from the interregional share and a county share or funded from multiple county shares, the STIP listing will indicate the basis to be used for apportioning cost increases or decreases between the shares.
50. Program Year for Cost Components. The cost of each project cost component will be listed in the STIP no earlier than in the State fiscal year in which the particular project component can be delivered, as described below.
 - (a) Project development.
 - (1) Local agency project development costs for environmental studies and permits will be programmed in the fiscal year during which environmental studies will begin. The fiscal year during which the draft environmental document is scheduled for circulation will be identified in the STIP. Costs for the preparation of plans, specifications, and estimates will be programmed in the fiscal year during which this work will begin. Local agency project development costs for each component may be listed in more than one fiscal year, where appropriate.
 - (2) Caltrans project development costs for environmental studies and permits will be programmed in the fiscal year during which the environmental studies begin. The fiscal year during which the draft environmental document is scheduled for circulation will be identified in the STIP. Costs for the preparation of plans, specifications and estimates will be programmed in the fiscal year during which this work will begin. Caltrans will report, outside the STIP, on year by year expenditures for project development components.
 - (b) Right-of-way. Right-of-way costs, including Caltrans support costs, will be programmed in the fiscal year or years during which right-of-way acquisition (including utility relocation) contracts may be executed. These costs may be listed for a single project in more than one fiscal year, where appropriate.
 - (c) Construction. Construction costs, including Caltrans construction support costs, will be programmed in the fiscal year during which construction contracts will be advertised. All construction costs that are included in or related to a single construction contract should be listed in one fiscal year, regardless of the length of time over which construction costs will be paid. Projects requiring separate construction contracts should be listed separately for the STIP, even if they are grouped for the purpose of share balance tabulations and adjustments, as described in Section 58 of these guidelines.
51. Escalation Adjustments. All projects will count against share balances on the basis of their fully escalated (inflated) costs. All project RTIP and ITIP nominations should therefore be at costs escalated to the year in which project delivery is proposed (see Sections 47 and 50 of these guidelines). Commission staff may make further escalation adjustments, in consultation with Caltrans and regions, in making its staff recommendations and in developing the STIP (see

Section 63 of these guidelines). Ordinarily, the Commission will apply escalation adjustments only to Caltrans construction costs, not to right-of-way, project development, or local grant projects.

52. Prior Costs for 1996 STIP Projects. For every Caltrans project that will be carried forward to the 1998 STIP, Caltrans will identify the amount of its expenditures for right-of-way (including support) and for project development through the 1997-98 fiscal year. These amounts, when added to the amounts remaining and programmed for the 1998 STIP period, will form the project component base cost for the purpose of share balance tabulations and adjustments, as described in Sections 53-58 of these guidelines.

VIII. Share Balances and Adjustments:

53. Long-term balances. The Commission, with assistance from Caltrans and regional agencies, will maintain a long-term balance of county shares and the interregional share, as specified in Streets and Highways Code Section ~~488.40~~ **188.11**. The Commission will make its calculation of the cumulative share balances, as of the end of the preceding fiscal year, available for review by Caltrans and regional agencies by August 15, each year.
54. Local Grant Projects. For the purpose of share balances, the costs counted for local grant projects (all project work not implemented by Caltrans) will be the amounts actually allocated by the Commission. No adjustment will be made after the allocation vote for any amount not expended by the local agency. In order to provide a degree of flexibility to local agencies in administering projects, allocated funds may be shifted between project components to accommodate cost changes within the following limits:
- Any amount that is allocated to a local agency for environmental studies and permits may also be expended by that agency for plans, specifications, and estimates. Any amount that is allocated to a local agency for plans, specifications, and estimates may also be expended by that agency for environmental studies and permits.
 - Additionally, a local agency may expend an amount allocated for project development, right of way, or construction for another project component, provided that the total expenditure shifted to a component in this way is no more than 20 percent of the amount actually allocated for either component. ***This means that the amount transferred by a local agency from one component to another may be no more than 20 percent of whichever of the components has received the smaller allocation from the Commission.***

Shifting of allocated funds between components will not impact county share balances. County share balances will be based on actual amounts allocated for each component.

55. Construction. For the purpose of share balances, the costs counted for Caltrans construction projects are the engineer's final estimate presented to the Commission for allocation vote, including the construction support amount identified by Caltrans at the time of the vote.

At the request of Caltrans, and with the approval of the regional agency for the county share, the Commission may approve a downward adjustment of the allocation vote if the construction contract award allotment is less than 80 percent of the engineer's final estimate. The Department should make its request by letter to the Commission no later than 3 months after the construction contract award date.

No other adjustment will be made after the allocation vote for the award amount or for changes in expenditures except where the Commission votes a supplemental allocation during or following construction. No adjustment will be made for supplemental allocations made by Caltrans under the authority delegated by Commission Resolution G-12, except that when a Commission supplemental vote is larger than it otherwise would have been because of a prior G-12 rescission (negative G-12) made by Caltrans, the effect of the negative G-12 will be excluded when counting the Commission's supplemental vote for the purpose of share balances. Where a project has not been voted, the programmed amount will be counted.

56. Right-of-Way. For the purpose of share balances, the costs counted for right-of-way on Caltrans projects, including right-of-way support costs, are the amounts programmed for right-of-way in the STIP. No adjustment is made for actual right-of-way purchase costs or support expenditures. However, if the final right-of-way estimate, including support costs, is greater than 120 percent of the STIP amount, the costs counted will be adjusted to that final estimate. To encourage accurate estimates and minimize the manipulation of share balances, the Commission will consider STIP amendments for project right-of-way costs only in conjunction with the statewide review of right-of-way costs in the annual right-of-way plan. The Commission may also approve a downward adjustment of more than 20 percent of the amount programmed for right-of-way on the basis of a final right-of-way estimate presented to the Commission by Caltrans at the time the Commission allocates funding for project construction.
57. Project Development. For the purpose of share balances, the costs counted for Caltrans project development are the amounts programmed for both environmental studies and permits and preparing plans, specifications, and estimates. No adjustment will be made for cost differences that are within 20 percent of the amount programmed for project development. To encourage accurate estimates and minimize the manipulation of share balances, the Commission will consider STIP amendments for project development only when the change in total project development costs is 20 percent or more or when changes in project development costs are the result of STIP amendments to change the scope of the project.
58. Corridor Projects. For the purpose of share balance tabulations and adjustments, the Commission may designate groups of STIP projects along a route or in a corridor area as a single project. This designation may be made through the adoption of the STIP or a STIP amendment. A grouping of projects for this purpose should constitute a single major route segment or improvement. That means that, for each of the four defined project components (six components for projects implemented by Caltrans), the amount programmed for all projects in the corridor is available for allocation to any project in the corridor. If an allocation is less than the amount programmed for one project, the unallocated balance remains programmed and available for other projects in the corridor. This does not make any amount programmed for one component (i.e., project development, right-of-way, construction) available for another component, even for the same project, except by STIP amendment. This guideline does not make unexpended allocations from one project available for another, even within a designated corridor. Where an agency expects or desires to have an allocation cover more than one project or construction contract, the agency should request an allocation that by its specific terms is broad enough in scope to cover the projects or contracts intended.
59. Federal Demonstration Projects. Federal funds designated for federal high priority (demonstration) projects that are not subject to federal obligational authority or are accompanied by their own obligational authority (such as those specified in the Intermodal Surface Transportation Efficiency Act of 1991 and the 1998 Transportation Equity Act for the 21st

Century) are not included in the Fund Estimate or programmed in the STIP. Such funds do not count against the county shares. Funding for demonstration projects is generally handled through the Caltrans Local Assistance Program. If the sponsor or implementing agency for the demonstration project seeks RTIP or ITIP funding to match the demonstration funds or to complete funding for the project, the project becomes a STIP project and the demonstration funds are treated as non-STIP funds.

If demonstration funds become available for projects already programmed in the STIP, the demonstration funds may be used in one of three ways. If the STIP project is not fully funded, the demonstration funds may be used to help fully fund the project. If the project is fully funded, the demonstration funds may be used to increase the scope of the project or they may be used to supplant the state or local funds already committed to the STIP project. If committed funds are supplanted by demonstration funds the beneficiary of the tradeoff will be as follows: For projects funded with county share or local funds, the county share and or local fund will be credited with the benefit. For projects funded with interregional share funds, the interregional share will be credited with the benefit. For projects that are jointly funded, the interregional share, the county share and or the local fund will each be credited with the benefit in proportion to their respective funding commitments in the STIP project.

The Commission advises sponsors and implementing agencies for demonstration projects that demonstration funds are limited in availability for each specified project to annual obligational authority and to annual allocation percentages specified in federal statutes. This means that the full amount of federal demonstration funds specified in federal statute may not be available for the project at the time of planned implementation. These limitations shall be taken into account when determining the amounts of demonstration funds available for the options described in the previous two paragraphs.

IX. Commission Action and Adoption:

60. Commission Action on RTIP Proposals. The Commission will include all RTIP projects nominated from the county share for the four-year share period that ends during the current STIP (i.e., the period ending FY 2007-08 for the 2004 and 2006 STIPs) unless the Commission finds that (a) the RTIP is not consistent with these guidelines, (b) there are insufficient funds to implement the RTIP, (c) there are conflicts with other RTIPs or with the ITIP, (d) a project is not in an approved CMP or is not included in a separate listing in the approved RTIP as provided by Government Code 65082, or (e) that the RTIP is not a cost-effective expenditure of State funds. In making its finding, the Commission will consider the cost-effectiveness evaluation of the RTIP submitted by the region as required in Section 19 of these guidelines. The Commission may also make its own evaluation based on the criteria in Section 19 of these guidelines. If the Commission makes one of those findings, it may reject the RTIP in its entirety. For the 6-county SCAG area, the Commission will incorporate or reject each county's RTIP separately. For MTC and SACOG, the Commission will incorporate or reject the multicounty RTIP in its entirety. For any counties that choose to pool county shares, the Commission will incorporate or reject the counties' RTIPs together.

If the Commission proposes to reject an RTIP, it will provide notice to the regional agency not later than 60 days after the date it receives the RTIP. The Commission's Executive Director may provide the notice by letter; the notice does not require formal Commission action. The notice will specify the factual basis for the proposed rejection. The Commission will act on the proposed rejection of an RTIP no later than the adoption of the STIP. No later than 60 days after the

Commission rejects an RTIP, it will hold a public hearing on the RTIP in the affected region unless the regional agency proposes to waive the hearing and submit a new RTIP. Whenever the Commission rejects an RTIP, the regional agency may submit a new RTIP. Unless the new RTIP is rejected in the same manner, it will be incorporated into the STIP as a STIP amendment. This amendment will not require a separate 30-day public notice if the new RTIP is limited to projects considered in the STIP hearings or in a public hearing on the proposed RTIP rejection.

The Commission may also program projects proposed in the RTIP for funding from the estimated county share for the four-year share period that extends beyond the current STIP (i.e., for the 2004 and 2006 STIPs, for the share period ending FY 2011-12) or from advances against future share periods. A decision by the Commission not to program any of these proposed projects does not constitute or require a rejection of the RTIP. Any portion of the county share for the four-year period that is not programmed in the current STIP will remain available for programming within the same period in the following STIP.

The Commission may also select a project proposed in the RTIP for accelerated construction through Grant Anticipation (GARVEE) bonding. A decision by the Commission not to program a project for GARVEE bonding, however, does not constitute or require a rejection of the RTIP.

61. Commission Action on Advances and Reserves. In selecting projects for funding beyond the county share for the share period that ends during the current STIP, including advances, the Commission intends to consider regional agency priorities and the extent to which each RTIP includes:

- projects that implement a cost-effective RTIP, giving consideration to the evaluation submitted as required by Section 19 of these guidelines;
- projects that complete or fund further components of projects included in the prior STIP;
- projects that implement the Traffic Congestion Relief Program;
- projects to meet identified State highway improvement needs as described in Section 20;
- projects that are eligible for Federal TE funds;
- projects that leverage federal discretionary funds; and
- projects that provide regional funding for interregional partnership projects.

If the Commission approves a region's request to advance an amount beyond its county share for the four-year period to program a larger project, the advance will be deducted from the county share for the following county share period. If the Commission does not approve the advance and does not program the project or project components that the RTIP proposed to program with the advance, the Commission will reserve any portion of the county share that is thereby left unprogrammed until the next STIP. This action will not require a rejection of the entire RTIP.

An RTIP request to reserve part or all of a county share until the next STIP or county share period will free up current period funding that the Commission may use to advance county shares in other counties. The Commission, with the consent of Caltrans, may also consider advancing county shares by reserving a portion of the interregional share until the next county share period.

62. Commission Action on Interregional Program. The Commission will program the interregional share of the STIP from projects nominated by Caltrans in its ITIP or alternative recommendations made by regions in their RTIPs. By statute, the Commission may program a regional recommendation for the interregional program only if the Commission "makes a finding, based on an objective analysis, that the recommended project is more cost-effective than a project submitted

by [Caltrans].” The Commission may decline to program any project it finds inconsistent with these guidelines or not a cost-effective expenditure of State funds. In making its finding the Commission will consider the cost-effectiveness evaluation of the ITIP submitted by Caltrans as required in Section 19 of these guidelines. The Commission may also make its own evaluation based on the criteria in Section 19 of these guidelines. After a review of the nominated projects, the Commission may elect to leave a portion of the interregional share unprogrammed and reserved for later interregional programming or, with the consent of Caltrans, may reserve a portion of the interregional share for the next share period in order to free up funding for county share advances. The Commission may also select a project proposed in the ITIP for accelerated construction through Grant Anticipation (GARVEE) bonding.

63. STIP Respreading of Projects. The Commission may program projects, project components and project reserves in fiscal years later than the fiscal years proposed in the RTIP or ITIP if the Commission finds it necessary to do so to insure the total amount programmed in each fiscal year of the STIP does not exceed the amount specified in the fund estimate as required by Section 14529(e) of the Government code. In that case, the Commission will compare all projects nominated for the year(s) from which projects will be postponed, giving consideration to (1) regional priorities and the leveling of regional shares across the STIP period, (2) the availability of TE, PTA, or other restricted funds by fiscal year, and (3) in consultation with Caltrans, the need to balance Caltrans’ workload by district and fiscal year.

- ~~63A. Selection of projects for Grant Anticipation (GARVEE) bond funding. The Commission may select STIP projects that are proposed in either an RTIP or the ITIP for accelerated construction through GARVEE bonding. With the agreement of the regional agency that proposed the project, or with the agreement of the Department in the case of projects proposed through the ITIP, the Commission may designate a project for GARVEE bonding even if the RTIP and ITIP did not specify or propose GARVEE bonding. The Commission may also select projects programmed in the SHOPP for accelerated construction through GARVEE bonding. The Commission will select projects for GARVEE bonding that are major improvements to corridors and gateways for interregional travel and goods movement, especially projects that promote economic development and projects that are too large to be programmed within current county and interregional shares or the SHOPP on a pay as you go basis. Major improvements include projects that increase capacity, reduce travel time, or provide long life rehabilitation of key bridges or roadways. [These provisions moved to Section 67B.]~~

X. STIP Management:

64. Allocation of Funds. The Commission will consider allocation of funds for a project or project component when it receives an allocation request and recommendation from Caltrans. All allocations will be made in units of \$1,000, and all allocation requests should therefore be in units of \$1,000. The request will include a determination of the availability of funding and a recommendation on the source of funding. The recommendation on the source of funding shall include the amounts by fund account, i.e., State Highway Account, Public Transportation Account, or Transportation Investment Fund, as well as the fund type within the account including type of federal funds. Caltrans’ recommendation to the Commission for state only funding of a project will be made in accordance with Caltrans’ current policy for exceptions to federal funding. The final determination of fund type available for a project will be made in the Commission’s allocation of funds to the project. The Commission will approve the allocation only if the funds are available and are necessary to implement the project as programmed in the STIP. Allocations for

right of way acquisition or construction will be made only after documentation of the required environmental clearance for the project.

In compliance with Section 21150 of the Public Resources Code, the Commission may not allocate funds to local agencies for design, right-of-way, or construction prior to documentation of environmental clearance under the California Environmental Quality Act. All funds allocated are subject to the timely use of funds provision as described in Section 65 of these guidelines.

The Commission will consider making an allocation which exceeds the amount programmed in the STIP if a region or the interregional program has an adequate unprogrammed share balance or if the Commission finds it can approve an advance to the county share or to the interregional share. Unallocated amounts are available for allocation until the end of the fiscal year in which they are programmed in the STIP. Funds not allocated are subject to the timely use of funds provision described in Section 65 of these guidelines.

If a project or project component is ready for implementation earlier than the fiscal year that it is programmed in the STIP, the implementing agency may request an allocation in advance of the programmed year. The Commission may make an allocation in advance of the programmed year if it finds that the allocation will not delay availability of funding for other projects.

When a local agency (including a transit agency) is ready to implement a project or project component, the agency will submit a request to Caltrans. Caltrans will review the request, prepare appropriate agreements with the agency and recommend the request to the Commission for action. The typical time required, after receipt of the application, to complete Caltrans review, and recommendation and Commission allocation is 60 days. The specific details and instructions for the allocation, transfer and liquidation of funds allocated to local agencies are included in the Procedures for Administering Local Grant Projects in the STIP prepared by Caltrans in consultation with the Commission and regional and local agencies.

- 64A. Reimbursement Allocations. Government Code Section 14529.17, as added by AB 872 (1999), permits a local agency to expend its own funds for a STIP project, in advance of the Commission's approval of a project allocation, and to be reimbursed for the expenditures subsequent to the Commission's approval of the allocation. However, the statute does not require the Commission to approve an allocation it would not otherwise approve. The local entity must comply with all legal requirements for the project and any project expenditures, including Federal and State environmental laws. Expenditures for projects programmed for Federal funding still require advance approval of the Federal obligation for the project (FNM-76). It is important that any local agency intending to take advantage of the reimbursement provisions of Section 14529.17 understand its obligations and the risk that is inherently involved.

Only those expenditures made by or under contract to a local agency for a project that was and is programmed in the STIP are eligible for reimbursement allocations by the Commission. Project expenditures must be in accordance with the STIP at the time of expenditure and at the time of allocation. The following expenditures are not eligible for reimbursement allocations by the Commission:

- expenditures made prior to adoption of the project component in the STIP;
- expenditures made more than 12 months prior to the date of Commission approval of the reimbursement allocation;

- expenditures that exceed the amount that was or is programmed in the STIP for the particular project component;
- expenditures made by Caltrans;
- expenditures made by a local agency for a project component that was or is programmed for Caltrans implementation;
- expenditures made by a local agency on the State highway system, except in accordance with a project-specific cooperative agreement executed between the local agency and Caltrans; and
- expenditures made by a local agency for a project component that was or is programmed for implementation by another local agency, except in accordance with a project-specific agreement between the two agencies.

The Commission will approve reimbursement allocations only if it finds that there was no legal impediment to a Commission allocation, other than lack of State budget authority, at the time of expenditure. However, even the inclusion of a project in the STIP, the availability of state budget authority, and the lack of specific legal impediment do not obligate the Commission to approve an allocation where the Commission finds that the allocation is not an effective use of state funds, is inconsistent with the Commission's guidelines or policies, or is inconsistent with state or regional plans.

65. Timely Use of Funds. Funds that are programmed for all components of local grant projects or for Caltrans construction costs are available for allocation only until the end of the fiscal year identified in the STIP. Whenever programmed funds are not allocated within this deadline, the project programming will be deleted from the STIP. The Commission will not make the funds immediately available to the county share or interregional share for reprogramming. The Commission will, however, adjust the share balance to restore the funds in the next county share period.

Funds allocated for local project development or right of way costs must be expended by the end of the second fiscal year following the fiscal year in which the funds were allocated. For local grant projects, the local agency must invoice Caltrans for these costs no later than 180 days after the fiscal year in which the final expenditure occurred.

Funds allocated for construction or for purchase of equipment must be encumbered by the award of a contract within twelve months of the date of the allocation of funds. After the award of the contract, the local agency or Caltrans has up to 36 months to complete (accept) the contract. At the time of fund allocation the Commission may extend the deadline for completion of work and the liquidation of funds if necessary to accommodate the proposed expenditure plan for the project. For local grant projects, the local agency has 180 days after contract acceptance to make the final payment to the contractor or vendor, prepare the final Report of Expenditure and submit the final invoice to Caltrans for reimbursement.

Federal highway transportation funds programmed and allocated for transit projects are considered obligated and are deducted from the state's federal obligation authority balances as soon as they are transferred to the Federal Transit Administration (FTA) as described in Section 26 of these guidelines. Federal funds for such projects will be considered encumbered and expended upon completion of the fund transfer to FTA. State funds allocated to match the federal funds for such projects will be subject to the timely use of funds provisions described in this section. Upon completion of such projects, after notification by FTA of final project costs, the FHWA will adjust obligation records accordingly. Any federal funds which were transferred to FTA but not

expended will be rescinded as state highway account revenue with no adjustment to county shares. Any state match funds which were allocated but not expended will also be rescinded with no adjustment to county shares.

The Commission may extend the deadlines for allocation of funds, for award of a contract, for transfers to FTA, for expenditures for project development or right of way, or for contract completion no more than one time and only if it finds that an unforeseen and extraordinary circumstance beyond the control of the responsible agency has occurred that justifies the extension. The extension will not exceed the period of delay directly attributed to the extraordinary circumstance and will in no event be for more than 20 months.

Whenever allocated funds are not encumbered by the award of a contract or transferred to FTA, or expended within the deadlines specified above, all unencumbered or unexpended funds from the allocation will be rescinded. The Commission will not adjust the county or interregional share for any unencumbered balance of the allocation.

Caltrans will provide monthly reports to the Commission on projects which have not been awarded or transferred to FTA within six months of the date of the Commission's allocation.

~~The Commission will apply these timely use of funds provisions to projects carried forward from the 1996 STIP as well as to new STIP projects.~~ These provisions **will for the timely use of funds do** not apply to Caltrans support costs, which the Commission does not allocate, or to Caltrans right-of-way costs, which the Commission allocates annually on a lump sum basis rather than by project.

The Commission will not amend the STIP to delete or change the program year of the funding for any project component programmed in the current fiscal year or earlier except (1) to reprogram funds from a construction project to later mitigation work required for that project, including landscaping or soundwalls, or (2) to reprogram funds from one project to another within the same group or corridor, as described in Section 58 of these guidelines. In either of these two cases, the Commission will consider the amendment only if it is proposed concurrently with an allocation of most of the funds programmed for the project in the current fiscal year. These two types of amendments are adjustments that may be incorporated into the Commission's allocation action. In that case, they do not require the separate notice ordinarily required of STIP amendments.

Where a project or project component will not be ready for allocation as programmed in the current fiscal year, the agency responsible for the project should request an extension of the allocation deadline rather than a STIP amendment.

66. Delivery Deadline Extensions. The Commission may extend a delivery deadline, as described in Section 65, upon the request of the regional agency or the agency responsible for project delivery. No deadline may be extended more than once. However, there are separate deadlines for allocation, for award of a contract, for expenditures for project development or right-of-way, and for project completion, and each project component has its own deadlines. The Commission may consider the extension of each of these deadlines separately.

The Commission may grant a deadline extension only if it finds that an unforeseen and extraordinary circumstance beyond the control of the responsible agency has occurred that justifies the extension. The extension will not exceed the period of delay directly attributable to the extraordinary circumstance and will in no event be for more than 20 months.

All requests for project delivery deadline extensions should be submitted directly to the appropriate Caltrans district at least 60 days prior to the specific deadline for which the particular extension is requested (e.g., 60 days prior to June 30 to request the extension of allocation deadlines). The extension request should describe the specific circumstance that justifies the extension and identify the delay directly attributable to that circumstance. Caltrans will review extension requests and forward them to the Commission for action. Unlike proposed STIP amendments, extension requests do not require a 30-day notice period.

For each request to extend the deadline to allocate project construction funds, the agency requesting the extension should submit, in conjunction with the request, a project construction STIP history. The request should also identify any cost increase related to the delay and how the increase would be funded. The STIP history should note the original inclusion of project construction in the STIP and each project construction STIP amendment including, for each, the amendment date, the dollar amount programmed for construction, and the scheduled year of construction delivery. It is the Commission's intent to review this history when considering a construction allocation extension request.

67. STIP Amendments. The Commission may amend the STIP at the request of the entity, either Caltrans or the regional agency, that originally nominated the STIP project(s) to be changed or deleted by the amendment. The Commission will amend the STIP only after providing at least 30 days public notice. Projects proposed by amendment will be subject to the same standards and criteria that apply to RTIP and ITIP proposals. Each amendment will designate from which county share(s) or interregional share the project is being funded, and the Commission will adjust share balances accordingly. An amendment may not create or increase a county share surplus unless the Commission finds that it can approve an advance of the county share (see Sections 23 and 61 of these guidelines).

All regional requests for STIP amendments shall be submitted directly to the appropriate Caltrans district. For each amendment that would delay the year of construction, the agency requesting the amendment should submit, in conjunction with the amendment request, a project construction STIP history. The request should also identify any cost increase related to the delay and how the increase would be funded. The STIP history should note the original inclusion of project construction in the STIP and each prior project construction STIP amendment including, for each, the amendment date, the dollar amount programmed for construction, and the scheduled year of construction delivery. It is the Commission's intent to review this history when considering a STIP amendment that would delay the year of construction.

Caltrans will review proposed amendments and forward them to the Commission for public notice and action. The Commission encourages Caltrans, in cooperation with regions and Commission staff, to develop and implement a set of procedures to standardize and streamline the amendment process and to enhance the accountability of regions for amendments of projects which are not administered by Caltrans.

An amendment may change the scope, cost or program year of any STIP project, except that the Commission will not amend the STIP:

- to change Caltrans right-of-way costs, except in conjunction with the annual right-of-way plan or to make a downward adjustment of more than 20 percent in conjunction with the Commission's allocation of project construction funding;
- to delete or change the program year of the funding for any project component after the beginning of the fiscal year for which it is programmed (except for the adjustments at the time of allocation described in Section 65);
- to change Caltrans project development costs, except when the change in total project development costs is 20 percent or more unless the cost change is the result of a STIP amendment to change the scope of the project; or
- to change the programming of any funds after they have been allocated.

67A. Approval of AB 3090 Arrangements. *Under Government Code Section 14529.7, as amended by AB 3090 (1992), the Commission, the Department, a regional agency, and a local agency may enter into either one of two types of arrangements under which a local agency pays for the delivery of a STIP project with its own funds in advance of the year in which the project is programmed. Under the first type of arrangement, the local agency that advances the STIP project has another project or projects of equivalent value programmed in its place, and these arrangements are implemented by a STIP amendment designating the specified dollar amount for an "AB 3090 replacement project" without identifying the specific project to be implemented as the replacement. Under the second type of arrangement, the local agency that advances the STIP project is programmed to receive a direct cash reimbursement, and those arrangements are implemented by a STIP amendment that gives approval to the Department to execute a reimbursement agreement and programs the reimbursement for the fiscal year in which the project was scheduled in the STIP or a later year. Scheduled project reimbursements have the highest STIP priority among projects programmed within a fiscal year. The Commission has adopted separate AB 3090 Reimbursement Guidelines (Resolution G-02-13) that describe specific procedures for reimbursement arrangements. The following is the Commission's policy for the approval of AB 3090 arrangements for either replacement projects or reimbursements.*

- 1. The Commission intends to encourage local agencies who wish to use local funds to advance the delivery of projects programmed in the STIP when State funds are not sufficient to support direct project allocations. In doing so, the Commission will consider the approval of either AB 3090 replacement projects or AB 3090 direct reimbursement arrangements, giving preference to the programming of AB 3090 replacement projects where feasible.*
- 2. Where a local agency proposes to use its own funds for early delivery of a project component programmed in the STIP for a future fiscal year, the Commission will consider approval of an AB 3090 replacement project under the following conditions:*
 - a. The regional agency approves the arrangement.*
 - b. The local agency has identified a local fund source for the project component, and there is a reasonable expectation that the AB 3090 approval will result in the acceleration of construction delivery of a STIP project.*
 - c. The local agency commits to award a contract or otherwise begin delivery of the project component within 12 months of the Commission's approval, with the understanding that the arrangement may be cancelled if that condition is not met.*

- d. *The STIP amendment approving the arrangement will replace the project component with an unidentified replacement project in the same fiscal year.*
- 3. *Where a local agency proposes to use its own funds for early delivery of a project component programmed in the STIP for a future fiscal year, the Commission will consider approval of an AB 3090 reimbursement only when the following additional conditions are met:*
 - a. *The regional agency explicitly finds the project to be the region's highest priority among projects programmed for that fiscal year.*
 - b. *The project is federalized and will not require Public Transportation Account funding for reimbursement, unless the Commission determines that a State-only reimbursement would be consistent with the fund estimate.*
 - c. *The source of local funds to be used to deliver the project could not or would not be made available for an AB 3090 replacement project. The request for AB 3090 reimbursement approval should identify the source of local funds to be used, why the funds would not be available for the STIP project without an AB 3090 direct reimbursement arrangement, and what the funds would be available for if not used for the STIP project.*
 - d. *Before approving an AB 3090 reimbursement arrangement, the Commission will consider programming the reimbursement in a later fiscal year, consistent with the project's regional and state priority for funding and the projected availability of funds to support other projects. The Commission will not change the programming of the reimbursement after approval.*
 - e. *The Commission will not approve AB 3090 reimbursement arrangements intended solely to protect a project from being reprogrammed or to protect a local agency's share of STIP funding.*
- 4. *The Commission will also consider approval of an AB 3090 reimbursement arrangement for a project component programmed in the current fiscal year if there are not sufficient funds currently available to approve a direct allocation. In this case, the AB 3090 approval will schedule the reimbursement for the next fiscal year or a later year.*
- 5. *In considering approval of AB 3090 reimbursement arrangements, the Commission intends to insure that no more than \$200 million in reimbursements is scheduled statewide for any one fiscal year and that no more than \$50 million in reimbursements is scheduled for the projects of any single agency or county for any one fiscal year.*
- 6. *The use of RSTP or CMAQ funds by a regional agency that receives an apportionment of those funds under state law constitutes the use of the agency's own funds for the purpose of AB 3090 arrangements. Where RSTP or CMAQ funds are the identified local source of funds to deliver a STIP project under an AB 3090 arrangement, the Commission will consider approval only for an AB 3090 replacement project and not for a cash reimbursement.*

67B. *Selection of Projects for GARVEE Bonding.* *The Commission may by STIP amendment select STIP projects proposed from either an RTIP or the ITIP for accelerated construction through GARVEE bonding. With the agreement of the agency that proposed the project, the Commission may designate a STIP project for GARVEE bonding even if the original RTIP or ITIP did not specifically propose GARVEE bonding. The Commission may also select projects programmed in the SHOPP for accelerated construction through GARVEE bonding. The Commission will select projects for GARVEE bonding that are major improvements to corridors*

and gateways for interregional travel and goods movement, especially projects that promote economic development and projects that are too large to be programmed within current county and interregional shares or the SHOPP on a pay-as-you-go basis. The Commission's expectation is that, generally, these will be projects that require bond proceeds exceeding \$25 million. Major improvements include projects that increase capacity, reduce travel time, or provide long-life rehabilitation of key bridges or roadways.

The Commission authorized the first bond sale in January 2004. The Commission anticipates that it will authorize additional bond sales whenever it has identified a sufficiently large amount for bonding to warrant a sale, probably no more frequently than once each year. Each bond will be structured for debt service payments over a term of not more than 12 years. In designating projects for bonding and scheduling bond sales, the Commission will give consideration to the overall annual debt service limit of 15 percent of Federal revenues.

GARVEE bonds cover only the Federally-funded portion of a project's cost (generally 88½ percent). GARVEE bonding in California is structured so that the State's future Federal transportation apportionments cover all debt service payments. This requires that the entire non-Federal portion of project cost (including costs of issuance and interest) be provided at the time of construction on a pay-as-you-go basis. The Commission's policy is that the non-federal portion of project costs will be programmed within current STIP and SHOPP capacity. Although local funds may be applied to the non-federal share, the ability of a local agency to contribute non-STIP funding will not be a major criterion in the selection of projects for GARVEE bonding.

68. Project Delivery. It is a Commission policy that all transportation funds allocated through the State be programmed and expended in a timely manner in order to avoid accumulation of excessive fund balances and to avoid lapse of federal funds. It is the Commission's goal that transportation projects programmed against funds allocated through the State be delivered no later than scheduled in the appropriate transportation programming document. For purposes of this goal, delivery means allocation or obligation of funds for the programmed project or project component. For projects delivered by Caltrans, the Commission's delivery goal each fiscal year (FY) is 90% of the projects programmed in each FY and 100% of the funds programmed in each FY. For projects delivered by agencies other than Caltrans the Commission's delivery goal each FY is 90% of the projects programmed in each FY and 95% of the funds programmed in each FY.

Caltrans and each responsible regional agency or county transportation commission will provide the Commission with status reports on project delivery in accordance with the following schedule:

- Caltrans: Quarterly reports in October, January, April and July of each FY for projects to be delivered by Caltrans.
- Regions/CTCs: Semiannual reports in January and July of each FY for projects to be delivered by agencies other than Caltrans.

The Commission staff in consultation with Caltrans, regional agencies and county transportation commissions will develop a format and content requirement for the delivery reports.

XI. STIP Development Schedule and Procedures:

69. STIP Development Schedule. The following schedule lists the major milestones for the development and adoption of the STIP:

Caltrans presents Draft Fund Estimate to the CTC.	By July 15 of odd numbered years.
CTC adopts Fund Estimate.	By August 15 of odd numbered years.
Regions submit RTIPs.	By December 15 of odd numbered years.
Caltrans submits ITIP.	By December 15 of odd numbered years.
CTC STIP hearing, North.	Jan. – Feb. even numbered years.
CTC STIP hearing, South.	Jan. – Feb. even numbered years.
CTC publishes staff recommendations.	At least 20 days prior to adoption of STIP.
CTC adopts STIP.	By April 1 of even numbered years.

70. STIP Hearings. Prior to the adoption of the STIP, the Commission will hold two STIP hearings for Caltrans and regional agencies, one in northern California and one in southern California. By statute, the hearings are “to reconcile any objections by any county or regional agency to the department’s program or the department’s objections to any regional program.” The Commission will expect any objections to the Caltrans program or to a regional program to be expressed in terms of the undesirable impact that the program would have on the implementation of the respective agency’s long range transportation plan(s).
71. Commission Staff Recommendations. Prior to adoption of the STIP, the Commission staff shall prepare recommendations to the Commission for the adoption of the STIP. The staff recommendations will be made available to the Commission, Caltrans and the regional agencies at least twenty days prior to the adoption of the STIP.
72. Transmittal of RTIPs. By statute, regional agencies are required to adopt and submit their RTIPs both to the Commission and to Caltrans no later than December 15 of odd numbered years. The Commission requests that each region send two copies of its RTIP, addressed to:

Diane C. Eidam, Executive Director
California Transportation Commission
Mail Station 52
1120 N Street
Sacramento, CA 95814

Caltrans requests that each region send at least one copy to the appropriate Caltrans District Director and five copies addressed to:

~~Jim Nicholas~~ **Ross Chittenden**, Chief
Division of Transportation Programming
Attention: Kurt Scherzinger, Office of STIP
Department of Transportation
Mail Station 82
P. O. Box 942874
Sacramento, CA 94274-0001

XII. APPENDIX

STIP PROJECT FACT SHEET

A template of the STIP project fact sheet, in Excel, may be found at: <http://www.dot.ca.gov/hq/transprog/stip.htm>